

**MINUTES OF REGULAR MEETING
OF
GREENSBORO PLANNING BOARD**

JULY 21, 2004

The Greensboro Planning Board met in Regular Session on Wednesday, July 21, 2004 at 2:02 p.m., in the City Council Chambers, 2nd floor, Melvin Municipal Office Building, Greensboro, North Carolina. Board Members present were Chair Patrick Downs, J.P. McIntyre, Dick Hall, Alan Pike, Tim Bryson, Stephen Marks and Mike Fox. Staff members present were Dick Hails, Planning Director, Bill Ruska, Zoning Administrator, and Haywood Cloud and Jimmy Person with the Planning Department.

Chair Downs called into session the July 21, 2004 meeting of the Greensboro Planning Board.

WELCOME TO DICK HAILS, NEW PLANNING DIRECTOR

Chair Downs welcomed Mr. Hails to Greensboro. He said they had heard only good things about him and the Board had high expectations of him.

APPROVAL OF MINUTES OF THE JUNE 16, 2004 REGULAR MEETING. (APPROVED)

Mr. Bryson moved approval of the minutes of the June 15, 2004 regular meeting as written, seconded by Mr. McIntyre. The Board voted 8-0 in favor of the motion. (Ayes: Downs, McIntyre, Hall, Koonce, Bryson, Marks, Pike, Fox. Nays: None.)

PUBLIC HEARINGS:

A) RESOLUTION CLOSING WATKINS GLEN (AKA GORDON ROAD), FROM PISGAH CHURCH ROAD NORTHWESTWARD TO THE EXISTING GREENSBORO CITY LIMITS, FOR A DISTANCE OF APPROXIMATELY 200 FEET. (APPROVED)

Mr. Cloud said this street was dedicated in the Jesse Wharton School Development Subdivision in 1927. This street is not open or improved as a street ("paper street"), and it has no utility lines in it. The right-of-way has church parking lot pavement in it. On the ground it is indistinguishable from the parking lot pavement on both sides of it. The owners of 100% of the abutting property frontage have signed this petition. No property is dependent upon this street right-of-way for access, and it is not needed for general circulation in the area. There are open streets about 600' to the east and west of this street. The Technical Review Committee (TRC) feels it is quite easy to make the two required determinations for a street closing: (1) that the closing is not contrary to the public interest and (2) that no property owner in the vicinity is deprived of reasonable means of ingress and egress. Therefore, the TRC recommends this street closing.

Chair Downs asked if there was anyone present who wished to speak either in favor of or in opposition to this item and no one came forward.

Chair Downs closed the public hearing as to this item.

Mr. Pike moved approval of Item 3a, Resolution closing Watkins Glen from Pisgah Church Road northwestward to the city limits, seconded by Mr. Koonce. The Board voted 8-0 in favor of the motion. (Ayes: Downs, McIntyre, Hall, Koonce, Bryson, Marks, Pike, Fox. Nays: None.)

B) RESOLUTION CLOSING EUCLID STREET, FROM DORSEY STREET EASTWARD TO SOUTH HOLDEN ROAD, A DISTANCE OF APPROXIMATELY 195 FEET. (APPROVED)

Mr. Cloud said this street right-of way was dedicated in the Homewood Subdivision in April 1949. This street is not open or improved ("paper street"). It has an 8-inch sewer line in it. A 20-foot utility easement will be retained over this line until it is no longer needed for public service. The petitioner is in the process of recombining a series of previously platted lots in this area. Owners of 100% of the abutting property frontage have signed this petition. No property is dependent upon this street right-of-way for access, and it is not needed for general circulation in the area. S. Holden Road is controlled access, preventing any possible connection of Euclid Street to it. The Technical Review Committee (TRC) feels it is quite easy here to make the two required determinations for a street closing. Therefore, the TRC recommends this street closing.

Chair Downs asked if there was anyone present who wished to speak in favor of or in opposition to this item.

William Linnane, 3805 Katie Drive, stated he was the owner of Linnane Construction Company, which owns the property abutting this street. He said that if the Board had any questions, he would be happy to answer them.

Chair Downs closed the public hearing and asked if there were questions of Mr. Linnane or staff on this item and no one responded.

Mr. Hall moved approval of Item 3b, Resolution closing Euclid Street from Dorsey Street to South Holden Road, seconded by Mr. Bryson. The Board voted 8-0 in favor of the motion. (Ayes: Downs, McIntyre, Hall, Koonce, Bryson, Marks, Pike, Fox. Nays: None.)

C) RESOLUTION CLOSING EAST FISHER AVENUE, A RESIDUAL PORTION LOCATED ON THE SOUTHWEST CORNER OF EAST FISHER AVENUE AND SMITH STREET RAMP, CREATED BY THE REALIGNMENT OF FISHER AVENUE. (APPROVED)

Mr. Person said this street was once a 40-foot right-of-way, running from North Elm Street eastward to North Church Street. With the construction of Murrow Boulevard, East Fisher Avenue was widened and realigned. The new alignment encompassed all of the old right-of-way, except for this small triangular portion and another part that extends eastward through open space owned by the City. This residual portion of street right-of-way is not open, improved or maintained for public use. It has a 6-inch sewer line in it, and a water line that falls just short of this residual portion of street right-of-way. A 20-foot utility easement will be retained over this sewer line until it is no longer needed for public service. Owners of 100% of the abutting property frontage have signed this petition. No property is dependent upon this street right-of-way for access, and it is not needed for general circulation in the

area. The Technical Review Committee (TRC) feels it is quite easy here to make the two required determinations for a street closing. Therefore, the TRC recommends this street closing.

Chair Downs asked if there was anyone present from the public to speak to this item.

Dawn Chaney said she owned the property at 132 East Fisher Avenue which is the original apartment building for the Vick Chemical Company. They are in the process of restoring this building and making an application to the National Register. She said that they would like to close the street so that they could properly maintain this small piece of land so that they could keep it compatible with the property surrounding it. She had asked the City if they could get it back to what it once was.

There being no further speakers from the public, Chair Downs closed the public hearing on this item.

In response to a question from Mr. Hall, Mr. Person said that when this property was closed, it would not become City property. By State Law it would go to the abutting property. By doing this, they will be transferring the property to the abutting property owner. He said the strip of land was so small he did not measure it. It does not include the sidewalk as the remainder of that right-of-way is from Elm Street eastward. The right-of-way goes to the rear of the sidewalk so, the portion of right-of-way being closed is southward to the abutting property.

Mr. Person presented a more detailed map. Mr. Hall remarked that you could see the original alignment of Fisher Avenue within the hatched area. When they realigned Fisher Avenue to join Murrow Boulevard, it swings to the north and left this piece of property on the right-hand side of the street unused.

Mr. Hall moved approval of Item 3c, a Resolution closing a residual portion of East Fisher Avenue, located on the southwest corner of East Fisher Avenue and South Smith Street ramp. The motion was seconded by Mr. Marks. The Board voted 8-0 in favor of the motion. (Ayes: Downs, McIntyre, Hall, Koonce, Bryson, Marks, Pike, Fox. Nays: None.)

D) ORDINANCE AMENDING TABLE 30-4-5-1, PERMITTED USE SCHEDULE, OF THE DEVELOPMENT ORDINANCE TO PERMIT MARTIAL ARTS INSTRUCTIONAL SCHOOLS IN GO-M, GO-H, CP AND TN1 DISTRICTS. (FAVORABLE RECOMMENDATION)

Mr. Ruska said staff had received a request from Marc Isaacson, who was present, to review the Permitted Use Schedule in terms of where the City permits Martial Arts Instructional Schools. Specifically, Mr. Isaacson's request was to add this as a permitted use in the General Office - Moderate and General Office - High Intensity Districts based on the belief that this type of use is similar to physical fitness centers, which the City already allows in these districts. Staff concurred that this would be a good amendment and, in fact, staff proposed adding the Corporate Park and Transitional Neighborhood 1 Districts as well, which are also districts that permit physical fitness centers.

Chair Downs asked if there was anyone present who wished to speak to this item.

Marc Isaacson, Esq., 101 West Friendly Avenue, said since he had written the letter, he thought he should be here to support it. He was making this request on behalf of a client, as his letter indicated.

He thought this was simply aligning the physical fitness centers and the martial arts instructional schools or studios together under the same zoning classification. This was prompted by a particular transaction, which is pending the approval of this amendment by the Planning Board and City Council.

Chair Downs closed the public hearing on this item.

Mr. Ruska mentioned for the record that the MDOC reviewed this amendment and recommended it to the City of Greensboro, as well as to the other participating jurisdictions.

Mr. Pike said he would like to compliment staff on this item. The request was to correct one particular issue, but he thought that what staff ended up doing was improving the overall ordinance.

Chair Downs said he wished to add to that comment. He said he was looking forward to the collapse of zones as we move forward on the rewrite of our Code. It will be a very desirable change for the City of Greensboro.

In response to a question from Mr. Hall, Mr. Ruska said that there had not been problems in any office areas where physical fitness centers have been allowed from the beginning of the UDO. The specific intention in developing the Permitted Use Schedule was to allow physical fitness centers in office parks as a convenience for the workers who might choose to participate in such activities at lunchtime, very early in the morning or late in the evening after they get out of work. He was asked the question as to why staff did not include martial arts instructional schools in office districts to begin with. Thinking back to the late 1980s when staff was working on the Permitted Use Table, most of the martial arts instructional schools at that time tended to locate in areas that were zoned commercial.

Mr. Fox moved favorable recommendation of Item 3d, an ordinance amending Table 30-4-5-1, Permitted Use Schedule, of the Development Ordinance to Permit Martial Arts Instruction Schools in GO-M, GO-H, CP and TN1 Districts, which was seconded by Mr. Bryson. The Board voted 8-0 in favor of the motion. (Ayes: Downs, McIntyre, Hall, Koonce, Bryson, Marks, Pike, Fox. Nays: None.)

E) ORDINANCE AMENDING TABLE 30-4-3-1, PARKING, TO CHANGE THE STANDARD FOR MEDICAL, DENTAL OR RELATED OFFICES. (FAVORABLE RECOMMENDATION)

Mr. Ruska said this amendment had also been considered by the MDOC. At their July meeting, they recommended this amendment to the City of Greensboro and the other participating jurisdictions. Earlier this year staff took a package of parking amendments to the Planning Board, which made a favorable recommendation on those to the City Council. Council adopted the package of amendments, with the exception of one. Council pulled out medical and dental offices based on a concern by Council members that the proposed requirement was not stringent enough. Council asked staff to take a further look at this and come back with another proposal. In reviewing this, staff looked at other jurisdictions to see how they treated medical and dental offices. Staff also looked at recent site plans that had been received here in the City in terms of the parking that has been both required and provided for such uses. Staff also heard from individuals involved with the medical industry who secure office space and build office space, and receive input through Councilman Perkins on this. As a result, staff proposes that medical offices have a parking requirement of 1 space per 200 square feet of gross floor area and dental offices have a requirement of 1 per 250 square feet. Dentists tend to work more on an appointment basis and do not need as much parking. Staff's purpose for moving

to a gross floor area standard was to get away from standards based on the number of doctors or the number of examining rooms which are often not known at the time of case processing.

Chair Downs asked if there was anyone present from the public who wished to speak to this item, and no one came forward. He closed the public hearing.

In response to a question from Chair Downs, Mr. Ruska said the net effect of this amendment would be to increase the number of parking spaces that would be required as opposed to what staff originally proposed.

Mr. Pike moved a favorable recommendation of Item 3e, an ordinance amending Table 30-5-3-1, Parking, to change the standard for Medical, Dental or Related Offices, which was seconded by Mr. Marks. The Board voted 8-0 in favor of the motion. (Ayes: Downs, McIntyre, Hall, Koonce, Bryson, Marks, Pike, Fox. Nay: None.)

E) MINOR MODIFICATION OF ZONING CONDITION – CURRIN-PATTERSON PROPERTIES, LLC – WEST SIDE OF BATTLEGROUND AVENUE NORTH OF HORSE PEN CREEK ROAD – REQUEST TO SHARE A DRIVEWAY WITH THE PROPERTY TO THE SOUTH RATHER THAN WITH THE PROPERTY TO THE NORTH. (APPROVED)

Mr. Person said Zoning Condition 2) of the CD-GB zoning on this property requires that it share a driveway with the property to the north. The site plan before the Board shows a driveway to be shared with the property to the south instead. The property to the north has not been developed yet nor does the City have plans that have been submitted showing development of that property. The Board may approve a minor modification of a zoning condition if it concludes that the proposed modification results in equal or better performance in meeting the purposes behind the condition. The GDOT has evaluated this alternative driveway proposal and feels that it offers better performance with respect to traffic circulation and safety. Therefore, the TRC recommends approval of this minor modification.

Chair Downs asked if there was anyone from the public who wished to speak to this item.

Marc Isaacson, Esq., 101 West Friendly Avenue, said he was here on behalf of Currin-Patterson Properties, LLC, which is the developer of the subject property. He was involved in the rezoning of this property and he gave a short history concerning the rezoning. This will be a single use property, a Sherwin-Williams retail store with around 4,000 square feet of space. It had been thought that the property to the north would be developed first, so plans were made to share a driveway with the development to the north. However, this did not happen and Eckerd's developed the property to the south. Therefore, after conferring with staff and GDOT, it was decided that a minor modification should be made to the zoning condition so that the shared driveway would be to the south where the new development was located.

Keith Broderick, 3817-C Lawndale Drive, was the civil engineer who developed the plans for the subject property. In response to a question from Mr. Hall, he said he thought the distance from the curb cut in question to the intersection of Horse Pen Creek Road and Battleground Avenue was approximately 700-800 feet. The design of the Eckerd driveway onto Battleground Avenue is a right

in, right out. There will be a concrete median strip constructed down Battleground Avenue past that entrance so that only southbound traffic can enter the site and one can only leave the site going southbound.

Mr. Fox moved the approval of Item 4, a minor modification of zoning condition - Currin-Patterson, LLC - west side of Battleground Avenue north of Horse Pen Creek Road, which was seconded by Mr. Marks. The Board voted 8-0 in favor of the motion. (Ayes: Downs, McIntyre, Hall, Koonce, Bryson, Marks, Pike, Fox. Nays: None.)

EASEMENT RELEASES:

None.

ITEMS FROM THE DEPARTMENT:

Mr. Hails said he was certainly glad to be present and thanked Chair Downs and the Board for the welcome. Briefly, by way of background, he said he had spent the last 24 years working with the Durham City/County Planning Department and he thought a combination of working with redevelopment, long range planning, current planning, adoption and implementation of several Comprehensive Plans and a large ordinance rewrite were things that worked in his favor in terms of being hired to help with some of the planning challenges here. Also, he noted that some of the issues they are grappling with in the Triangle Area appear to be on the horizon for Greensboro and the Triad has had some beneficial experience in those areas, too. But he said he also was very familiar with a lot of planners around the state and because he lived 52 miles from here, he was far enough away to be an outside expert as well. He said he was certainly glad to be here and looking forward to working with the Board. He certainly appreciated the Board members' dedication.

Mr. Hails also mentioned that there had been discussions in recent weeks about how to handle the logistics for the joint public hearings coming up. The first joint meeting may be in September with the Zoning Commission and the Planning Board meeting jointly on rezonings that also require a Comprehensive Plan amendment. The initial idea was to try and only have the Planning Board come down once a month as they are now. There has been further discussion of the logistics of how staff would handle a joint session breaking up and then the two bodies meeting separately but at the same time. There are major problems with both Ms. Decker providing assistance on minutes and other staff being in two places at one time. A discussion between Board members and staff followed, where different meeting options and schedules were raised.

Mr. Hails said that staff would bring back different meeting options next month for further review.

Chair Downs said he thought the direction was clear and he saw no dissent from the Board, so he was going to treat this as a unanimous request to spread the pain and try and keep a single monthly Board meeting.

Chair Downs again welcomed Mr. Hails and said they appreciated his presence here in Greensboro.

Mr. Person said he had been asked by Craig McKinney with GDOT to pass certain materials out to the Board. This pertained to the Greensboro Urban Area Proposed 2030 Long Range Transportation Plan and Air Quality Conformity Report. He reminded the Board that the final public involvement for this (the shaded area in the middle of the page) is on July 29 from 6:00 to 7:30 p.m. here in the Council Chambers. The public review period will conclude on August 11 of this year.

Mr. Person announced that this was the last Planning Board meeting that Mr. Cloud would be attending because he has accepted a position with the City of Burlington Planning Department as their Zoning and Subdivision Administrator. He said Mr. Cloud had been with the City for 5 years and staff was really going to miss him. However, they understood that he wanted to do other things and especially be closer to home, since he also resides in Burlington. This will make things a lot easier for him and everyone certainly wishes him well.

Mr. Cloud said he wanted to take this opportunity to thank everyone for all their hard work for the last 5 years. He said he had really enjoyed working with each of the members and had learned a lot from them, seeing different perspectives from all different walks of life. Again, he said he wished to thank the Board for all of its support.

Chair Downs also added congratulations to Mr. Cloud because it spoke well of the bench strength of the City's staff that its people are being recruited to go take more responsible positions in other places.

Mr. Hails said Mr. Cloud came into his office on his first day on the job and submitted his resignation. He said he had hoped this was not going to occur on a daily basis thereafter. He said staff wished Mr. Cloud their very best.

ITEMS FROM THE BOARD MEMBERS:

Mr. Koonce asked if he could go back and revisit something that had already been approved. With Item 3d, he knew that the Board approved this, but he had a question about the treatment of dance studios and dance schools in the ordinance.

Mr. Ruska said he was sorry, but he did not have his copy of the ordinance with him. He thought they were treated very similar to physical fitness centers, but without being able to look at the Permitted Use Schedule, he could not tell him for sure. He said he knew dance centers or dance studios were allowed in the commercial district the same way as Martial Arts and Physical Fitness Centers are. He just did not recall whether the general office districts allow those or not.

Mr. Hails said when you move along a land use intensity scale from schools to retail, Dance Schools, Martial Arts Schools, and Art Schools fall somewhere in the middle. So if they are felt to generate an extensive amount of traffic by virtue of size and frequency of classes, then they can sometimes be permitted in office zones instead of treated like a retail, higher volume commercial facility. There

are always exceptions, so staff would tend to follow the average kind of situation. He knew that many

Martial Arts and Dance Academies are also fairly small.

Mr. Koonce said that one of the reasons he posed the question was because of the trend of young people. If you have a Dance Studio or a Dance School, the demographic or the type of audience that you would get coming to that facility may be a little bit different than if you were either a Martial Arts School or some type of exercise center. So just for future reference to open up these types of facilities like Dance Studios, you may have people that may want to hang around because that is the nature of a Dance Studio. Everybody is not going to be dancing. Some will be learning new dances and may be inside and may be outside. He thought that was something to be considered when you open doors like that.

SPEAKERS FROM THE FLOOR ON ITEMS UNDER PLANNING BOARD AUTHORITY:

None.

APPROVAL OF ABSENCES:

Mr. McIntyre moved approval of the absence of Mr. Rhodes, which was seconded by Mr. Bryson. The Board voted 8-0 in favor of the motion. (Ayes: Downs, McIntyre, Hall, Koonce, Bryson, Marks, Pike, Fox. Nays: None.)

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There being no further business for the July 21, 2004 meeting, the meeting was adjourned at 3:06 p.m.

Respectfully submitted,

Richard W. Hails
Planning Director

RWH/jd.ps